

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

**LAURI VALJAKKA,**

**Plaintiff,**

**v.**

**AMAZON.COM, INC., AMAZON  
WEB SERVICES, INC., AND  
AMAZON.COM SERVICES, INC.**

**Defendants.**

**Case No. 6:21-cv-00945-ADA**

**JURY TRIAL DEMANDED**

**PLAINTIFF'S RESPONSE TO OPPOSED MOTION TO DISMISS CLAIMS FOR  
WILLFUL AND INDIRECT INFRINGEMENT AND PRE-SUIT DAMAGES  
PURSUANT TO RULE 12(b)(6)**

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**I. INTRODUCTION**

This is a response to defendants' motion to dismiss that is directed to the Second Amended Complaint filed by Plaintiff Lauri Valjakka ("Plaintiff") in this matter. Defendants Amazon Web Services, Inc., and Amazon.com Services, LLC (together, "Amazon") previously moved to dismiss Plaintiff's initial complaint. *See* Dkt. No. 18.

Pursuant to Rule 15 of the Federal Rules of Civil Procedure, Plaintiff respectfully moves the Court for leave to file an Amended Complaint addressing Defendants' concerns.

**II. BACKGROUND**

Plaintiff brings this lawsuit against Defendant for infringement of U.S. Patent Nos. 8,495,167 (the "'167 Patent") and 10,726,102 (the "'102 Patent") (together, the "patents-in-suit"). Plaintiff's knowledge and belief of Defendant's infringement comes from various sources that Defendant has provided including defendant's published white papers.

**III. ARGUMENT**

Plaintiff's corrected second amended complaint filed as Doc. No. 30 plead what is required and set forth the basis of Defendants' infringement of the '167 Patent and the '102 Patent. Nonetheless, Plaintiff files its Third Amended Complaint as Doc. No. 34. Allowing Plaintiffs to file the Amended Complaint would serve justice and promote judicial efficiency. Further, there would be no substantial prejudice, bad faith undue delay, or futility.

Through the Amended Complaint, Plaintiff seeks to remove the allegations of willful infringement, induced infringement, and pre-suit damages. If the Court requires leave, Plaintiff respectfully requests leave to file the third amended complaint. However, as issues are only removed and no new claims or patents are added, leave of court is not believed necessary.

To the extent that facts discovered during the pendency of this case show Defendant possessed knowledge and intent for indirect infringement or that Defendant's infringement is willful and deliberate, Plaintiff reserves the right to amend the complaint and request such a finding and seek appropriate relief at time of trial.

For all these reasons, Plaintiff respectfully requests that the Court grant Plaintiffs leave to file the attached Amended Complaint.

Dated: March 4, 2022,

Respectfully Submitted

**Ramey & Schwaller, LLP**

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*Attorneys for Lauri Valjakka*

**CERTIFICATE OF SERVICE**

Pursuant to the Federal Rules of Civil Procedure, I hereby certify that all counsel of record who have appeared in this case are being served on this day of March 4, 2022, with a copy of the foregoing via ECF.

/s/ William P. Ramey, III

William P. Ramey, III